

AMENDED IN ASSEMBLY JUNE 30, 2005

AMENDED IN SENATE MAY 18, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 806

**Introduced by Senator Speier
(Coauthor: Senator Dutton)**

February 22, 2005

An act to amend Sections 12509, 12810, ~~and 12814.6~~ *12814.6, and 12814.7* of, and to add Sections 12814.9 and 12814.10 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 806, as amended, Speier. Provisional licensing program.

(1) Existing law, the Brady-Jared Teen Driver Safety Act of 1997, allows for the issuance of a driver's license to a person at least 16 years of age but under 18 years of age under the provisional licensing program. Under the act, except as specified, during the first 12 months after the issuance of a provisional driver's license, the licensee is prohibited from driving between the hours of 12 midnight and 5 a.m., and during the first 6 months after issuance, the licensee is prohibited from transporting passengers who are under 20 years of age, unless, in either situation the licensee is accompanied and supervised by a licensed driver who is the licensee's parent or guardian, a licensed driver who is 25 years of age or older, or a licensed or certified driving instructor.

This bill, instead, would provide that during the first 12 months after issuance of a provisional license, the licensee is prohibited from transporting persons who are under 20 years of age, unless the licensee is accompanied and supervised in the manner provided under

current law, thereby creating a state-mandated local program by creating a new crime.

(2) The existing act imposes sanctions for violating these provisions including, ~~alternatively~~, for a second or subsequent violation, the imposition of community service of not less than 16 hours ~~or nor~~ more than 24 hours or a \$50 fine. Existing law also prohibits a violation from counting as a violation point.

This bill would revise the ~~alternative~~ sanction upon a second or subsequent violation to the imposition of community service consisting of not less than 16 hours nor more than 48 hours, ~~rather than 24 hours~~, or a fine of not less ~~more~~ than \$50 ~~nor more than \$500~~, ~~rather than a fine of not more than \$50~~ \$60, *or both the community service and the fine*. The bill would give a value of one point to a violation of this offense for purposes of determining the violation point count.

~~(3) Under the existing act, a law enforcement officer is prohibited from stopping a vehicle for the sole purpose of determining whether the driver is in violation of the driving restrictions under the act.~~

~~This bill would delete that prohibition.~~

~~(4)~~

(3) Under the act, existing law requires a 30-day restriction be imposed when a driver's record shows a violation point count of 2 or more points in 12 months, and that the restriction require the licensee to be accompanied by a licensed parent, spouse, guardian, or other licensed driver 25 years of age or older, except when operating a class M vehicle with no passengers aboard.

This bill, instead of the described restriction, would impose a 30-day license suspension.

~~(5)~~

(4) Under existing law, the granting of an application for a driver's license is prohibited unless the application is signed and verified by the father and mother of the minor, if both father and mother are living and have custody of the minor, or one of the parents, by a guardian, or by a person having custody, as specified.

This bill would require the person described above who signs and verifies the application, to compel the minor's compliance with the restrictions, with knowing violations constituting an infraction. The bill would thereby impose a state-mandated local program by creating a new crime. The bill would require the department to adopt related regulations.

(6)

(5) Existing law does not require the Department of Motor Vehicles to issue a distinguishing placard to a person issued a driver's permit or provisional driver's license.

This bill would impose that requirement, specify the content of those placards, including a specified penalty notice, would allow the department to establish a fee charged for the issuance of a placard, and would require a person issued a permit or a provisional license to display the placard at all times while driving, as specified. The bill would make it a crime to violate this display requirement, thereby imposing a state-mandated local program. *The bill would prohibit a law enforcement officer from stopping a vehicle for the sole purpose of determining whether the driver is in violation of the placard display requirement.*

(6) *The bill would make conforming changes in related provisions of existing law.*

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(8) The provisions of this bill would become operative on July 1, 2006.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12509 of the Vehicle Code is amended
2 to read:

3 12509. (a) Except as otherwise provided in subdivision (f) of
4 Section 12514, the department, for good cause, may issue an
5 instruction permit to any physically and mentally qualified
6 person who meets one of the following requirements and who
7 applies to the department for an instruction permit:

8 (1) Is age 15 years and 6 months or over, and has successfully
9 completed approved courses in automobile driver education and
10 driver training as provided in paragraph (3) of subdivision (a) of
11 Section 12814.6.

1 (2) Is age 15 years and 6 months or over, and has successfully
2 completed an approved course in automobile driver education
3 and is taking driver training as provided in paragraph (3) of
4 subdivision (a) of Section 12814.6.

5 (3) Is age 15 years and 6 months and enrolled and
6 participating in an integrated driver education program as
7 provided in subparagraph (B) of paragraph (3) of subdivision (a)
8 of Section 12814.6.

9 (4) Is over the age of 16 years and is applying for a restricted
10 driver's license pursuant to Section 12814.7.

11 (5) Is over the age of 17 years and 6 months.

12 (b) The applicant shall qualify for, and be issued, an
13 instruction permit within 12 months from the date of the
14 application.

15 (c) An instruction permit issued pursuant to subdivision (a)
16 shall entitle the applicant to operate a vehicle, subject to the
17 limitations imposed by this section and any other provisions of
18 law, upon the highways for a period not exceeding 24 months
19 from the date of the application.

20 (d) Except as provided in Section 12814.6, a person, while
21 having in his or her immediate possession a valid permit issued
22 pursuant to paragraphs (1) to (3), inclusive, of subdivision (a),
23 may operate a motor vehicle, other than a motorcycle, motorized
24 scooter, or a motorized bicycle, when accompanied by, and under
25 the immediate supervision of, a California licensed driver with a
26 valid license of the appropriate class, 25 years of age or over
27 whose driving privilege is not on probation. Except as provided
28 in subdivision (e), an accompanying licensed driver at all times
29 shall occupy a position within the driver's compartment that
30 would enable the accompanying licensed driver to assist the
31 person in controlling the vehicle as may be necessary to avoid a
32 collision and to provide immediate guidance in the safe operation
33 of the vehicle.

34 (e) A person while having in his or her immediate possession
35 a valid permit issued pursuant to paragraphs (1) to (3), inclusive,
36 of subdivision (a), who is age 15 years and 6 months or over and
37 who has successfully completed approved courses in automobile
38 education and driver training as provided in paragraph (3) of
39 subdivision (a) of Section 12814.6, and a person while having in
40 his or her immediate possession a valid permit issued pursuant to

subdivision (a) who is age 17 years and 6 months or over, may, in addition to operating a motor vehicle pursuant to subdivision (d), also operate a motorcycle, motorized scooter, or a motorized bicycle, except that the person shall not operate a motorcycle, motorized scooter, or a motorized bicycle during hours of darkness, shall stay off any freeways that have full control of access and no crossings at grade and shall not carry any passenger except an instructor licensed under Chapter 1 (commencing with Section 11100) of Division 5 of this code or a qualified instructor as defined in Section 18252.2 of the Education Code.

(f) A person while having in his or her immediate possession a valid permit issued pursuant to paragraph (4) of subdivision (a), may only operate a government-owned motor vehicle, other than a motorcycle, motorized scooter, or a motorized bicycle, when taking a driver training instruction administered by the California National Guard.

(g) The department may also issue an instruction permit to a person who has been issued a valid driver's license to authorize the person to obtain driver training instruction and to practice that instruction in order to obtain another class of driver's license or an endorsement.

(h) The department may further restrict permits issued under subdivision (a) as it may determine to be appropriate to assure the safe operation of a motor vehicle by the permittee.

SEC. 2. Section 12810 of the Vehicle Code is amended to read:

12810. In determining the violation point count, the following shall apply:

(a) Any conviction of failure to stop in the event of an accident in violation of Section 20001 or 20002 shall be given a value of two points.

(b) Any conviction of a violation of Section 23152 or 23153 shall be given a value of two points.

(c) Any conviction of reckless driving shall be given a value of two points.

(d) (1) Any conviction of a violation of subdivision (c) of Section 192 of the Penal Code, or of Section 2800.2 or 2800.3, subdivision (b) of Section 21651, subdivision (b) of Section

1 22348, subdivision (a) or (c) of Section 23109, or Section 31602
2 of this code, shall be given a value of two points.

3 (2) Any conviction of a violation of subdivision (a) or (b) of
4 Section 23140 shall be given a value of two points.

5 (e) Any conviction of a violation of Section 14601, 14601.1,
6 14601.2, 14601.3, or 14601.5 shall be given a value of two
7 points.

8 (f) Except as provided in subdivision (i), any other traffic
9 conviction involving the safe operation of a motor vehicle upon
10 the highway shall be given a value of one point.

11 (g) Any traffic accident in which the operator is deemed by the
12 department to be responsible shall be given a value of one point.

13 (h) Any conviction of a violation of Section 27360 or 27360.5
14 shall be given a value of one point.

15 (i) (1) A violation of paragraph (1), (2), (3), or (5) of
16 subdivision (b) of Section 40001 shall not result in a violation
17 point count being given to the driver if the driver is not the owner
18 of the vehicle.

19 (2) Any conviction of a violation of subdivision (a) of Section
20 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or
21 26707 shall not be given a violation point count.

22 (3) A violation of Section 23136 shall not result in a violation
23 point count.

24 (j) A conviction for only one violation arising from one
25 occasion of arrest or citation shall be counted in determining the
26 violation point count for the purposes of this section.

27 SEC. 3. Section 12814.6 of the Vehicle Code is amended to
28 read:

29 12814.6. (a) Except as provided in Section 12814.7, a
30 driver's license issued to a person at least 16 years of age but
31 under 18 years of age shall be issued pursuant to the provisional
32 licensing program contained in this section. The program shall
33 consist of all of the following components:

34 (1) Upon application for an original license, the applicant shall
35 be issued an instruction permit pursuant to Section 12509. A
36 person who has in his or her immediate possession a valid permit
37 issued pursuant to Section 12509 may operate a motor vehicle,
38 other than a motorcycle or motorized bicycle, only when the
39 person is either taking the driver training instruction referred to
40 in paragraph (3) or practicing that instruction, provided the

1 person is accompanied by, and is under the immediate
2 supervision of, a California licensed driver 25 years of age or
3 older whose driving privilege is not on probation. The age
4 requirement of this paragraph does not apply if the licensed
5 driver is the parent, spouse, or guardian of the permitholder or is
6 a licensed or certified driving instructor.

7 (2) The person shall hold an instruction permit for not less
8 than six months prior to applying for a provisional driver's
9 license.

10 (3) The person shall have complied with one of the following:

11 (A) Satisfactory completion of approved courses in
12 automobile driver education and driver training maintained
13 pursuant to provisions of the Education Code in any secondary
14 school of California, or equivalent instruction in a secondary
15 school of another state.

16 (B) Satisfactory completion of an integrated driver education
17 and training program that is approved by the department and
18 conducted by a driving instructor licensed under Chapter 1
19 (commencing with Section 11100) of Division 5. The program
20 shall utilize segmented modules, whereby a portion of the
21 educational instruction is provided by, and then reinforced
22 through, specific behind-the-wheel training before moving to the
23 next phase of driver education and training. The program shall
24 contain a minimum of 30 hours of classroom instruction and six
25 hours of behind-the-wheel training.

26 (C) Satisfactory completion of six hours or more of
27 behind-the-wheel instruction by a driving school or an
28 independent driving instructor licensed under Chapter 1
29 (commencing with Section 11100) of Division 5 and either an
30 accredited course in automobile driver education in any
31 secondary school of California pursuant to provisions of the
32 Education Code or satisfactory completion of equivalent
33 professional instruction acceptable to the department. To be
34 acceptable to the department, the professional instruction shall
35 meet minimum standards to be prescribed by the department, and
36 the standards shall be at least equal to the requirements for driver
37 education and driver training contained in the rules and
38 regulations adopted by the State Board of Education pursuant to
39 the Education Code. A person who has complied with this
40 subdivision shall not be required by the governing board of a

1 school district to comply with subparagraph (A) in order to
2 graduate from high school.

3 (D) Except as provided under subparagraph (B), a student may
4 not take driver training instruction, unless he or she has
5 successfully completed driver education.

6 (4) The person shall complete 50 hours of supervised driving
7 practice prior to the issuance of a provisional license, which is in
8 addition to any other driver training instruction required by law.
9 Not less than 10 of the required practice hours shall include
10 driving during darkness, as defined in Section 280. Upon
11 application for a provisional license, the person shall submit to
12 the department the certification of a parent, spouse, guardian, or
13 licensed or certified driving instructor that the applicant has
14 completed the required amount of driving practice and is
15 prepared to take the department's driving test. A person without
16 a parent, spouse, guardian, or who is an emancipated minor, may
17 have a licensed driver 25 years of age or older or a licensed or
18 certified driving instructor complete the certification. This
19 requirement does not apply to motorcycle practice.

20 (5) The person shall successfully complete an examination
21 required by the department. Before retaking a test, the person
22 shall wait for not less than one week after failure of the written
23 test and for not less than two weeks after failure of the driving
24 test.

25 (b) Except as provided in Section 12814.7, the provisional
26 driver's license shall be subject to all of the following
27 restrictions:

28 (1) Except as specified in paragraph (2), during the first 12
29 months after issuance of a provisional license the licensee may
30 not do any of the following unless accompanied and supervised
31 by a licensed driver who is the licensee's parent or guardian, a
32 licensed driver who is 25 years of age or older, or a licensed or
33 certified driving instructor:

34 (A) Drive between the hours of 12 midnight and 5 a.m.

35 (B) Transport passengers who are under 20 years of age.

36 (2) A licensee may drive between the hours of 12 midnight
37 and 5 a.m. or transport an immediate family member without
38 being accompanied and supervised by a licensed driver who is
39 the licensee's parent or guardian, a licensed driver who is 25

1 years of age or older, or a licensed or certified driving instructor,
2 in the following circumstances:

3 (A) Medical necessity of the licensee when reasonable
4 transportation facilities are inadequate and operation of a vehicle
5 by a minor is necessary. The licensee shall keep in his or her
6 possession a signed statement from a physician familiar with the
7 condition, containing a diagnosis and probable date when
8 sufficient recovery will have been made to terminate the
9 necessity.

10 (B) Schooling or school-authorized activities of the licensee
11 when reasonable transportation facilities are inadequate and
12 operation of a vehicle by a minor is necessary. The licensee shall
13 keep in his or her possession a signed statement from the school
14 principal, dean, or school staff member designated by the
15 principal or dean, containing a probable date that the schooling or
16 school-authorized activity will have been completed.

17 (C) Employment necessity of the licensee when reasonable
18 transportation facilities are inadequate and operation of a vehicle
19 by a minor is necessary. The licensee shall keep in his or her
20 possession a signed statement from the employer, verifying
21 employment and containing a probable date that the employment
22 will have been completed.

23 (D) Necessity of the licensee or the licensee's immediate
24 family member when reasonable transportation facilities are
25 inadequate and operation of a vehicle by a minor is necessary to
26 transport the licensee or the licensee's immediate family
27 member. The licensee shall keep in his or her possession a signed
28 statement from a parent or legal guardian verifying the reason
29 and containing a probable date that the necessity will have
30 ceased.

31 (E) The licensee is an emancipated minor.

32 (c) (1) Upon a finding that a licensee has violated paragraph
33 (1) of subdivision (b), the court shall impose ~~one~~ *either or both*
34 of the following:

35 (A) Not less than eight hours nor more than 16 hours of
36 community service for a first offense and not less than 16 hours
37 nor more than 48 hours of community service for a second or
38 subsequent offense.

39 (B) A fine of not more than thirty-five dollars (\$35) for a first
40 ~~offense and a fine of not less than fifty dollars (\$50) nor more~~

1 ~~than five hundred dollars (\$500) for a second or subsequent~~
2 ~~offense and a fine of not more than sixty dollars (\$60) for a~~
3 ~~second or subsequent offense.~~

4 (2) If the court orders community service, the court shall retain
5 jurisdiction until the hours of community service have been
6 completed.

7 ~~(3) If the hours of community service have not been completed~~
8 ~~within 90 days, the court shall impose a fine of not more than~~
9 ~~thirty-five dollars (\$35) for a first offense and not less than fifty~~
10 ~~dollars (\$50) nor more than five hundred dollars (\$500) for a~~
11 ~~second or subsequent offense.~~

12 (3) *If the court orders community service and does not impose*
13 *a fine, and that community service has not been completed within*
14 *90 days after the court order is imposed, the court shall impose a*
15 *fine of not more than thirty-five dollars (\$35) for a first offense*
16 *and not more than sixty dollars (\$60) for a second or subsequent*
17 *offense.*

18 (d) A conviction of paragraph (1) of subdivision (b) shall be
19 given a value of one point under Section 12810 and may not be
20 disclosed under Section 1808.

21 (e) A term of restriction or suspension of the driving privilege
22 imposed on a person pursuant to this subdivision shall remain in
23 effect until the end of the term even though the person becomes
24 18 years of age before the term ends.

25 (1) The driving privilege shall be suspended when the record
26 of the person shows one or more notifications issued pursuant to
27 Section 40509 or 40509.5. The suspension shall continue until
28 any notification issued pursuant to Section 40509 or 40509.5 has
29 been cleared.

30 (2) A 30-day suspension shall be imposed when a driver's
31 record shows a violation point count of two or more points in 12
32 months, as determined in accordance with Section 12810.

33 (3) A six-month suspension of the driving privilege and a
34 one-year term of probation shall be imposed whenever a
35 licensee's record shows a violation point count of three or more
36 points in 12 months, as determined in accordance with Section
37 12810. The terms and conditions of probation shall include, but
38 not be limited to, both of the following:

39 (A) The person shall violate no law which, if resulting in
40 conviction, is reportable to the department under Section 1803.

1 (B) The person shall remain free from accident responsibility.

2 (f) Whenever action by the department under subdivision (e)
3 arises as a result of a motor vehicle accident, the person may, in
4 writing and within 10 days, demand a hearing to present evidence
5 that he or she was not responsible for the accident upon which
6 the action is based. Whenever action by the department is based
7 upon a conviction reportable to the department under Section
8 1803, the person has no right to a hearing pursuant to Article 3
9 (commencing with Section 14100) of Chapter 3.

10 (g) The department shall require a person whose driving
11 privilege is suspended or revoked pursuant to subdivision (e) to
12 submit proof of financial responsibility as defined in Section
13 16430. The proof of financial responsibility shall be filed on or
14 before the date of reinstatement following the suspension or
15 revocation. The proof of financial responsibility shall be
16 maintained with the department for three years following the date
17 of reinstatement.

18 (h) (1) Notwithstanding any other provision of this code, the
19 department may issue a distinctive driver's license, that displays
20 a distinctive color or a distinctively colored stripe or other
21 distinguishing characteristic, to persons at least 16 years of age
22 and older but under 18 years of age, and to persons 18 years of
23 age and older but under 21 years of age, so that the distinctive
24 license feature is immediately recognizable. The features shall
25 clearly differentiate between drivers' licenses issued to persons at
26 least 16 years of age or older but under 18 years of age and to
27 persons 18 years of age or older but under 21 years of age.

28 (2) If changes in the format or appearance of drivers' licenses
29 are adopted pursuant to this subdivision, those changes may be
30 implemented under any new contract for the production of
31 drivers' licenses entered into after the adoption of those changes.

32 (i) The department shall include, on the face of the provisional
33 driver's license, the original issuance date of the provisional
34 driver's license in addition to any other issuance date.

35 (j) (1) A person who signs and verifies the application of a
36 minor for a license pursuant to Section 17701 shall compel that
37 minor's compliance with the restrictions of the provisional
38 license. A person who signs and verifies the application and
39 knowingly allows the minor to operate a vehicle in violation of

1 the restrictions of the provisional license is guilty of an
2 infraction.

3 (2) Prior to signing and verifying the application of the minor
4 for a license under Section 17701, that person shall be notified of
5 the restrictions on the provisional license under this section, the
6 consequences to the minor of a violation of this section, and the
7 provisions of this section.

8 (k) The department shall adopt regulations to ensure that
9 provisional licensees and the person who signs and verifies the
10 application under Section 17701 is fully informed of the
11 requirements and consequences of this section and of Sections
12 12814.9 and 12814.10.

13 *(l) A law enforcement officer shall not stop a vehicle for the*
14 *sole purpose of determining whether the driver is in violation of*
15 *the restrictions imposed under subdivision (b).*

16 ~~(f)~~

17 *(m)* This section shall be known and may be cited as the
18 Brady-Jared Teen Driver Safety Act of 1997.

19 *SEC. 4. Section 12814.7 of the Vehicle Code is amended to*
20 *read:*

21 12814.7. (a) Notwithstanding the provisional licensing
22 requirements of ~~subdivisions (a) to (e), inclusive,~~ of Section
23 12814.6, the department shall issue to a person who is at least 16
24 years of age, but under 18 years of age, a restricted class C
25 driver's license valid for the operation of United States Army and
26 California National Guard vehicles during the course and scope
27 of their duties with the California National Guard if the following
28 conditions are met:

29 (1) Upon application, the person provides the department with
30 the executed enlistment contract for the applicant.

31 (2) The person qualifies for and is issued an instruction permit
32 pursuant to Section 12509.

33 (3) Prior to the issuance of the class C license, the applicant
34 provides proof satisfactory to the department of successful
35 completion of a driver education and training course
36 administered by the California National Guard.

37 (b) A driver's license issued pursuant to this section shall be
38 subject to both of the following:

39 (1) ~~Subdivisions (f) (e) to (k) (i), inclusive,~~ of Section
40 12814.6.

(2) Pull-notice and periodic reports issued pursuant to Section 1808.1.

(c) The licensee shall comply with all other licensing requirements of this code, including, but not limited to, the requirements of Section 12804.9.

~~SEC. 4.—~~

SEC. 5. Section 12814.9 is added to the Vehicle Code, to read:

12814.9. (a) It is the intent of the Legislature to facilitate enforcement of the rules related to permits and provisional licenses by requiring the use of distinguishing placards.

(b) The department shall issue a distinguishing placard to each driver issued a permit or license under Section 12509 or 12814.6, respectively.

(c) The placard shall be the size, shape, and color determined by the department and shall bear the words “Permittee” or “Provisional Licensee” in large, contrasting print. The department shall incorporate instructions for the lawful use of a placard, and a summary of the penalties for the unlawful use of a placard, into the identification card issued to the placard owner.

(d) The department may establish a fee charged to the placard owners upon the issuance of the placard. The fee shall cover the costs of producing the placards and may include a reasonable estimate of costs associated with the monitoring of those issued permits or provisional licenses.

(e) A person driving pursuant to a permit issued under Section 12509 or a provisional license issued under Section 12814.6 shall display the placard at all times while driving so that it is visible from the rear of the vehicle but does not impede the driver’s vision. A violation of this subdivision is punishable, as follows:

(1) Not less than eight hours nor more than 16 hours of community service for a first offense and not less than 16 hours nor more than 48 hours of community service for a second or subsequent offense.

(2) A fine of not more than thirty-five dollars (\$35) for a first offense and a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for a second or subsequent offense.

1 (f) *A law enforcement officer shall not stop a vehicle for the*
2 *sole purpose of determining whether the driver is in violation of*
3 *subdivision (e).*

4 ~~(f)~~

5 (g) This section shall be known and may be cited as the Chase
6 Arnett Provisional Placard Program.

7 SEC. 5. Section 12814.10 is added to the Vehicle Code, to
8 read:

9 12814.10. (a) The department shall print on a distinguishing
10 placard issued pursuant to Section 12814.9 the maximum penalty
11 that may be imposed for a violation of subdivision (e) of Section
12 12814.9, including the fines and penalties listed under
13 subdivision (b).

14 (b) For the purposes of subdivision (a), the “maximum
15 penalty” is the amount derived from adding all of the following:

16 (1) The maximum fine that may be imposed under Section
17 4461.

18 (2) The penalty required to be imposed under Section 70372 of
19 the Government Code.

20 (3) The penalty required to be imposed under Section 76000 of
21 the Government Code.

22 (4) The penalty required to be imposed under Section 1454 of
23 the Penal Code.

24 (5) The surcharge required to be imposed under Section
25 1465.7 of the Penal Code.

26 SEC. 6. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the
31 penalty for a crime or infraction, within the meaning of Section
32 17556 of the Government Code, or changes the definition of a
33 crime within the meaning of Section 6 of Article XIII B of the
34 California Constitution.

35 SEC. 7. This act shall become operative on July 1, 2006.